

## Article - Public Utilities

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§23–312.

(a) The Commission shall:

- (1) review each Program;
- (2) revise each Program as required by a final action of the county councils of Montgomery County and Prince George's County; and
- (3) adopt each Program before the beginning of the first fiscal year of that Program.

(b) The Commission's capital budget for the first fiscal year of each Program approved by the Commission shall provide money to begin the approved major projects for the first year of that Program.

(c) (1) A major project may not begin if the major project is not in conformity with the part of the Program applicable to that fiscal year unless the major project is included in the Program by an amendment to the Program.

(2) The amendment to the Program:

(i) may be proposed by the Commission or initiated by the county executive or county council of Montgomery County or Prince George's County;

(ii) on reasonable advance notice to the public, shall be subject to a public hearing held by the county council of the county that initiates the amendment or by both county councils if the amendment affects both counties; and

(iii) requires final action by the county council of each affected county.

(3) The county council of the affected county shall notify the Commission of the final action.

(4) The Commission shall adopt an amendment approved by final action by the county council of each affected county.

(d) (1) In this subsection, “material change” does not include the following items if service from a major project as constructed does not extend beyond the area approved for construction of a sewer project:

(i) a normal deviation from the most recent estimated construction costs;

(ii) a change in location caused by right-of-way acquisition problems;

(iii) a condition found in the field when actual construction plans are prepared; or

(iv) a modification of an estimated size or length of a construction item.

(2) A major project may not be constructed until an adopted Program is amended as to any material change.

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